



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE for PERMIT APPLICATION

Issue Date: July 17, 2009

Expiration Date: August 17, 2009

Corps of Engineers Action ID: NWP-2009-302

Oregon Department of State Lands Number: APP0042654

## 30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Mr. Charles Hanner)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Windigo Properties, LLC  
P.O. Box 305  
Independence, OR 97351

**Location:** The project is located southwest of the intersection of Salem Parkway and NE Cherry Avenue. Follow Salem Industrial Drive NE west to end of the road. The project area is an undeveloped parcel in Salem, Oregon. (Township 7 South, Range 3 West and Section 11 and 14).

**Project Description:** The project involves constructing office buildings, lot areas and an access road on an undeveloped lot. There is 0.89 acres of wetlands that have been identified onsite in a low swale running east/west along the southern boundary of the property. The applicant proposes to fill the entire wetland with fill material consisting of soil provided from onsite land grading activities, rock and concrete. Equipment to be used may include but not limited to scrapers, graders, loaders and dump trucks. Erosion and sediment control measures will be implemented as described in the sediment erosion plan.

The proposed plan will permanently impact 0.89 acres of jurisdictional wetlands. The project proponent proposes to mitigate the impact of jurisdictional wetlands through the purchase of wetland credit through the Mud Slough Mitigation Bank. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** To construct new sales offices, lot areas and a road for an auto dealership that is relocating.

**Drawing(s):** 8 sheets labeled "NWP-2009-302, Windigo Properties LLC."

**Additional Information:** Additional information may be obtained from Mr. Charles Hanner, U.S. Army Corps of Engineers at (503) 808-4398.

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Coastal Zone Management Act Certification:** A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3) requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity will not affect endangered species or critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

**Cultural Resources:** An initial evaluation of the proposed project area indicates that an initial evaluation of the proposed project area indicates that to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: NWP-2009-302  
Oregon Division of State Lands Number: APP0042654

Notice Issued: July 17, 2009  
Written Comments Due: August 17, 2009

**WHO IS THE APPLICANT:** Windigo Properties, LLC.  
P.O. Box 305  
Independence, OR 97351

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953. Other project materials are available by contacting the Corps per the attached public notice.

While not required, scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5552.

Any questions on the water quality certification process may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that “ The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.”

**Written comments:**

Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on the date specified in the upper right section on page one of this notice. Written comments may be emailed, mailed or faxed as described below:

Email - [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us)

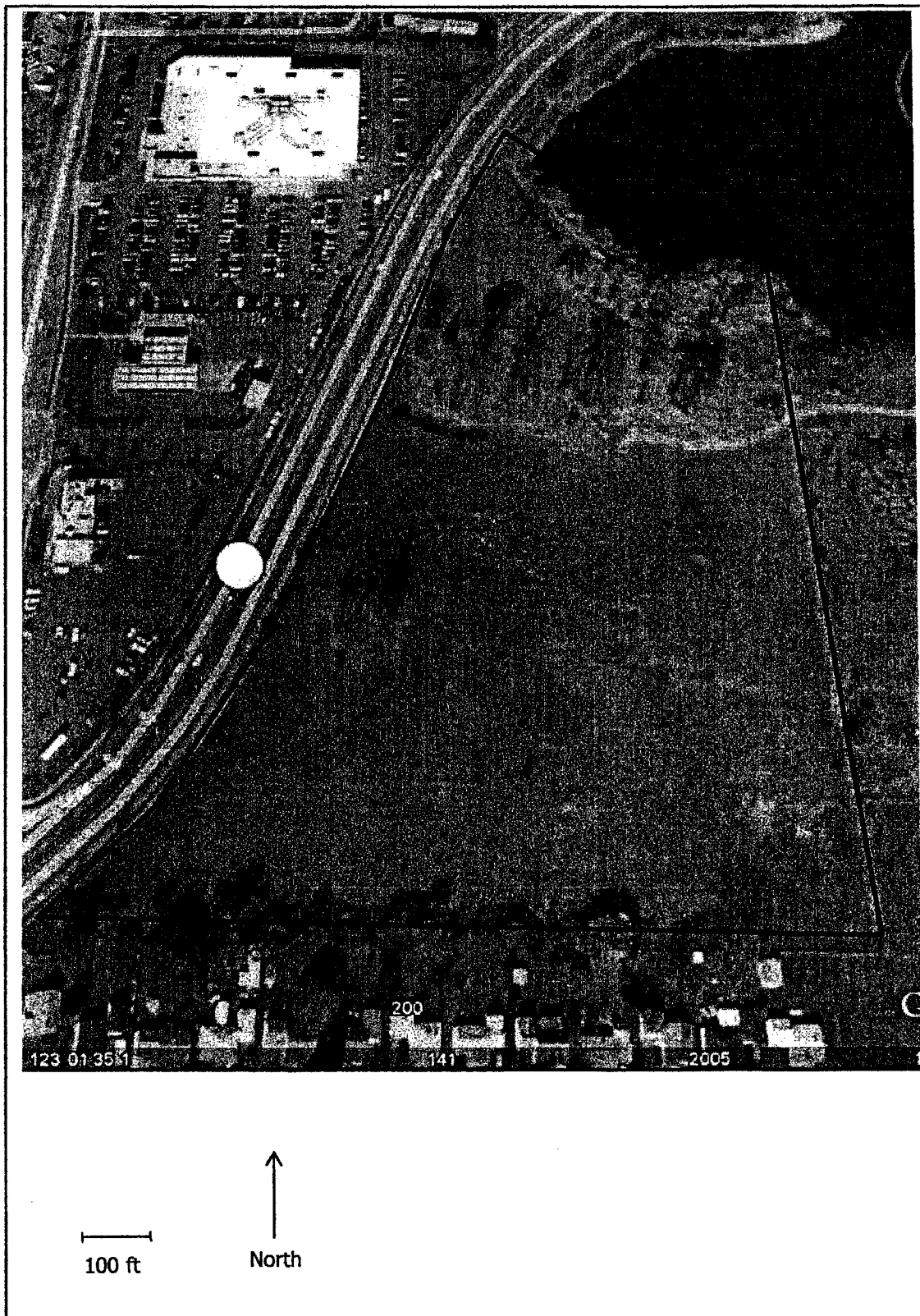
Mail - Oregon Department of Environmental Quality, Northwest Region  
2020 S.W. 4th Avenue  
Portland, Oregon 97201-4953  
Attn: 401 Water Quality Certification Coordinator

Fax - (503) 229-6957

People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be mailed in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ's final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.



Aerial Photograph  
Capitol Auto – Windigo Properties  
S&A#2105

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007

*FERNWOOD ENVIRONMENTAL*

*SERVICES*

2025 COMMERCIAL STREET N.E. SALEM, OREGON 97303  
OFFICE (503) 581-6687 CELL # (503) 871-5793

***WINDIGO PROPERTIES LLC***

**"PROPOSED AUTOMOBILE DEALERSHIP"**

SEC. 11 & 14, T. 7 S., R. 3 W., W.M.

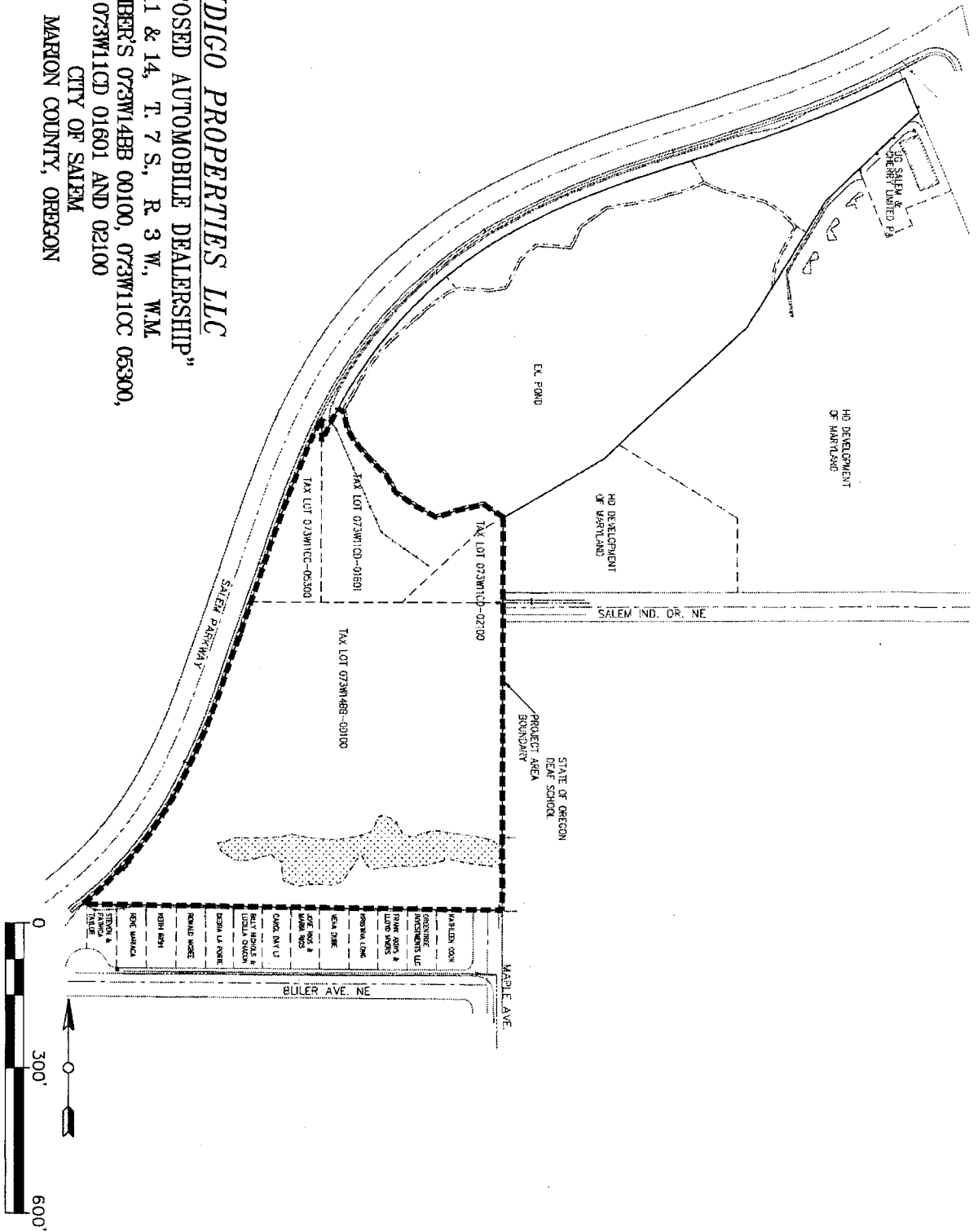
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073W11CD 01601 AND 02100

CITY OF SALEM

MARION COUNTY, OREGON

***WINDIGO  
PROPERTIES***

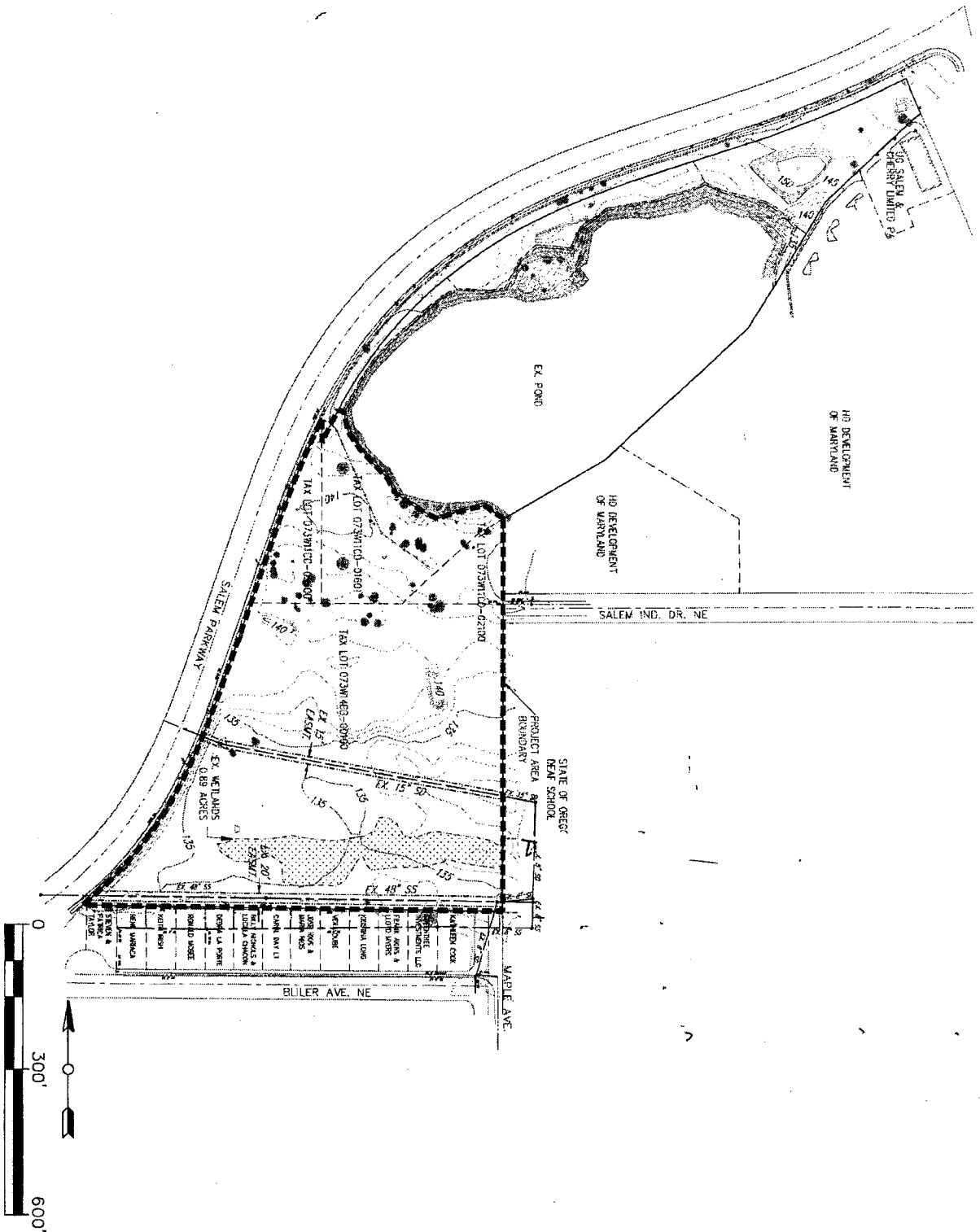
***COVER  
SHEET***



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**WINDIGO  
PROPERTIES**

**EXISTING  
CONDITIONS**

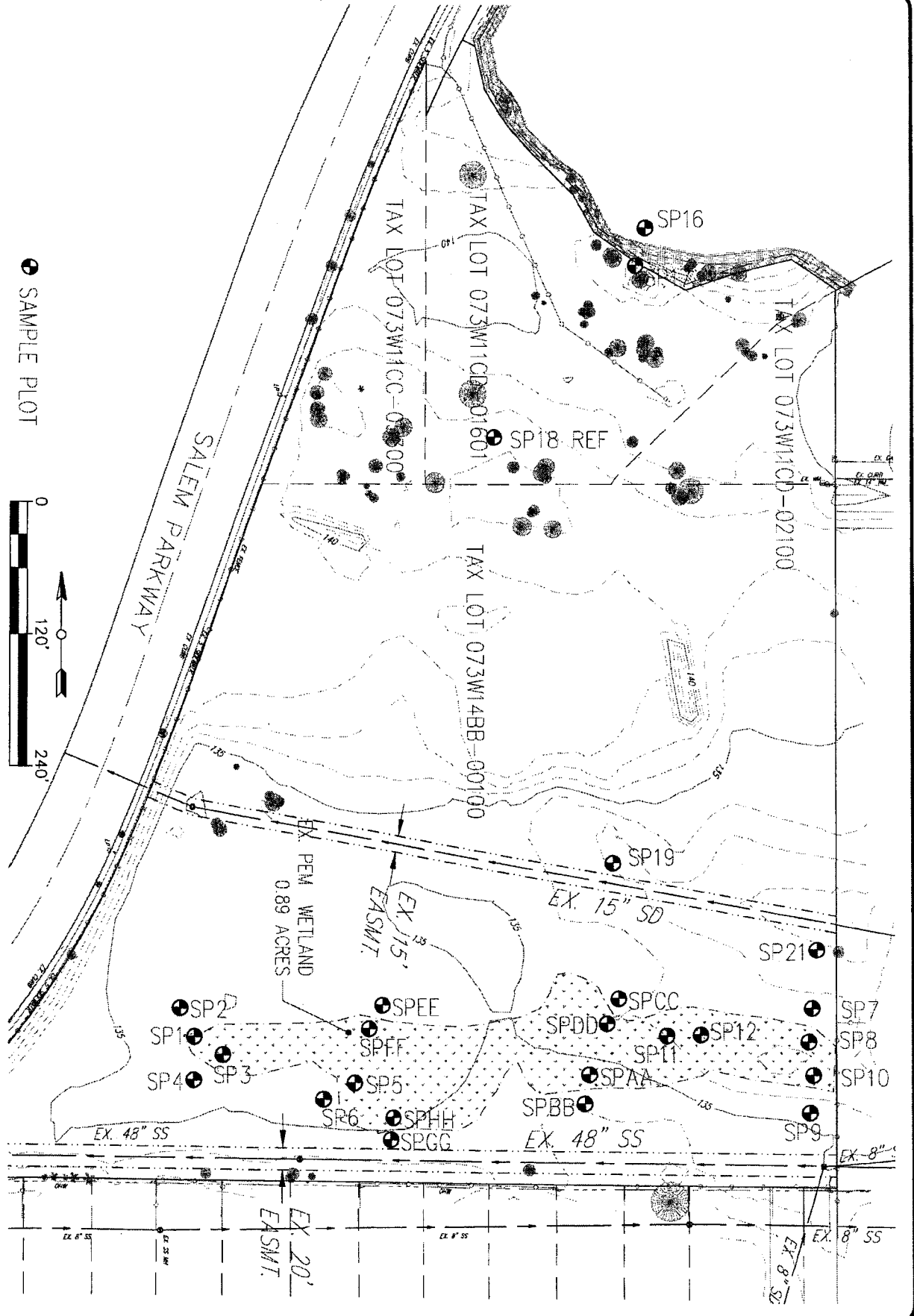




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**WINDIGO  
PROPERTIES**

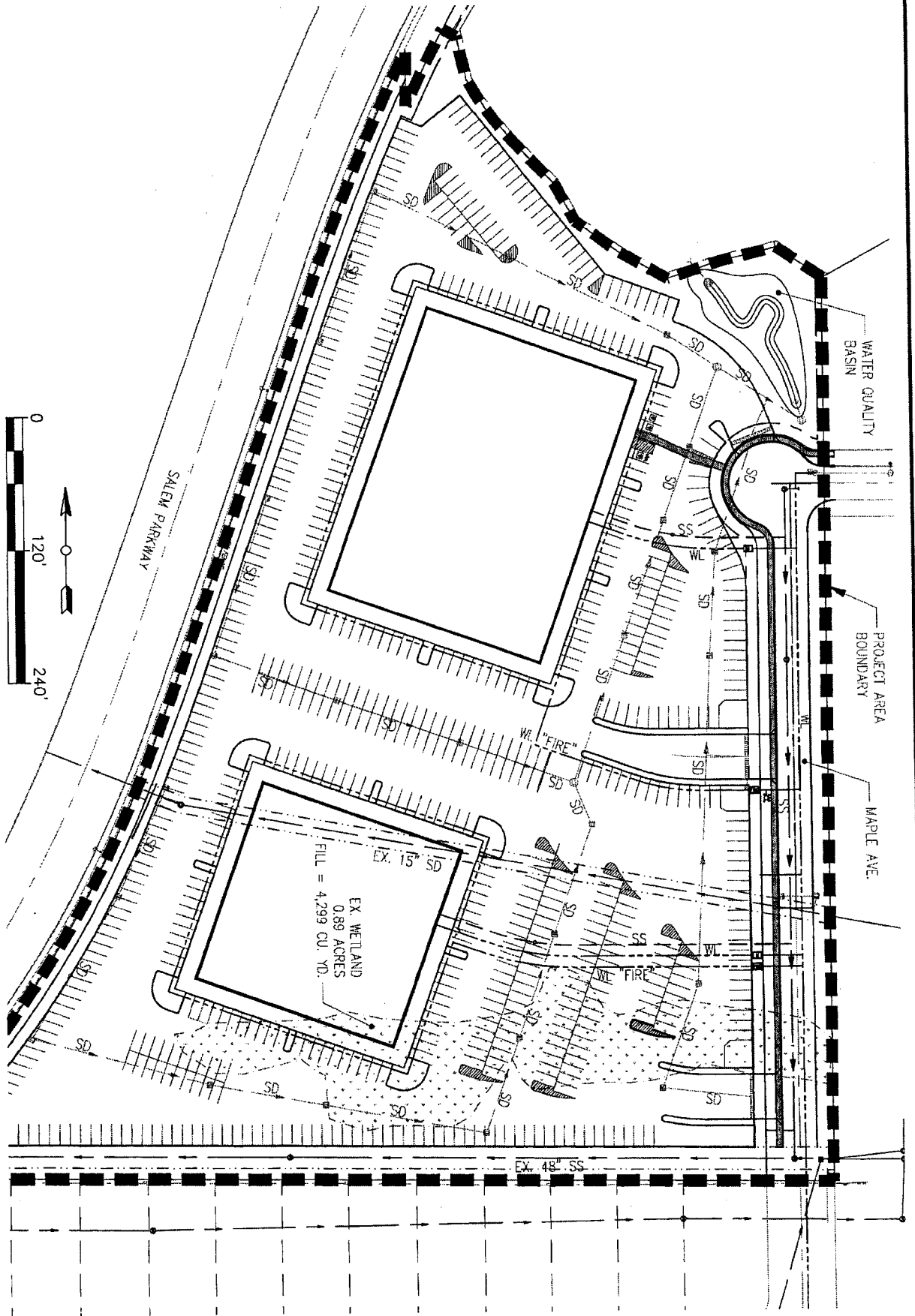
**EXISTING  
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**PERNWOOD ENVIRONMENTAL  
SERVICES**  
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OFFICE (503) 581-6887 CELL # (503) 871-5793

**WINDIGO  
PROPERTIES**

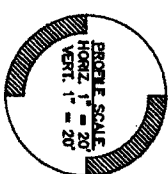
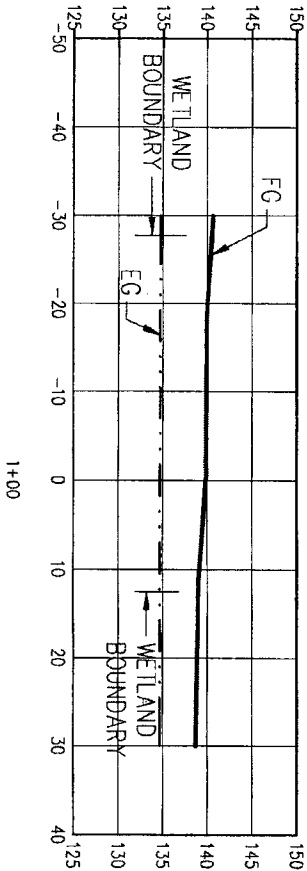
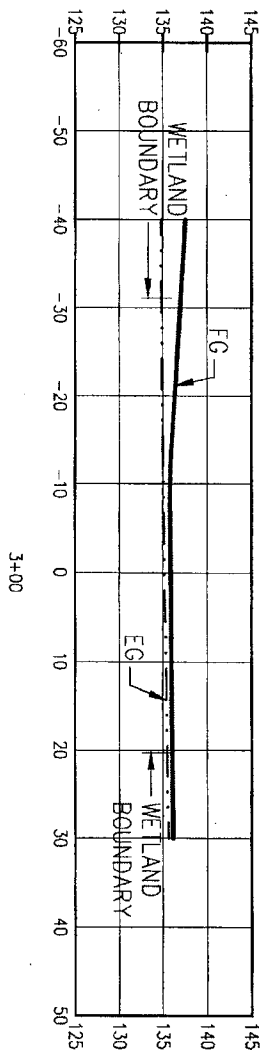
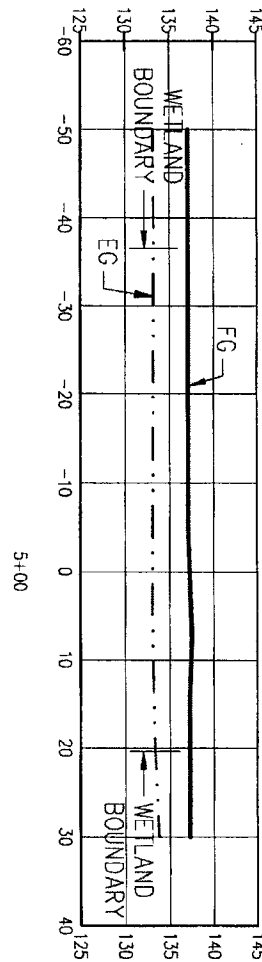
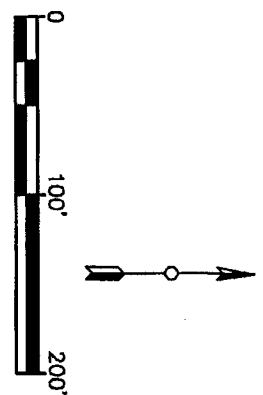
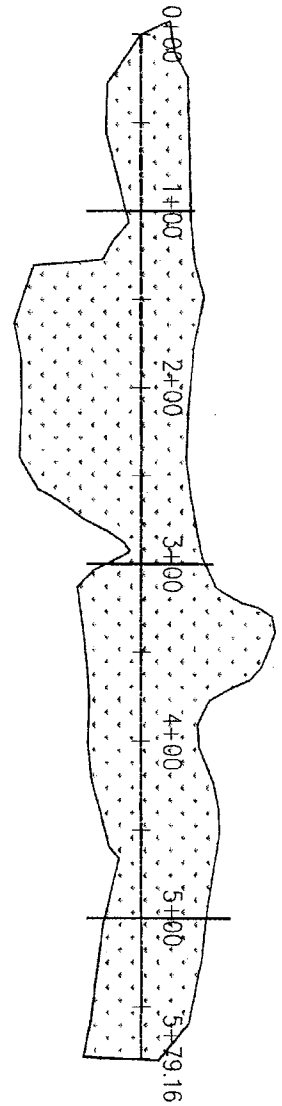
**PREFERRED ALTERNATIVE  
PLAN**



**PERNWOOD ENVIRONMENTAL SERVICES**  
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**WINDIGO PROPERTIES**

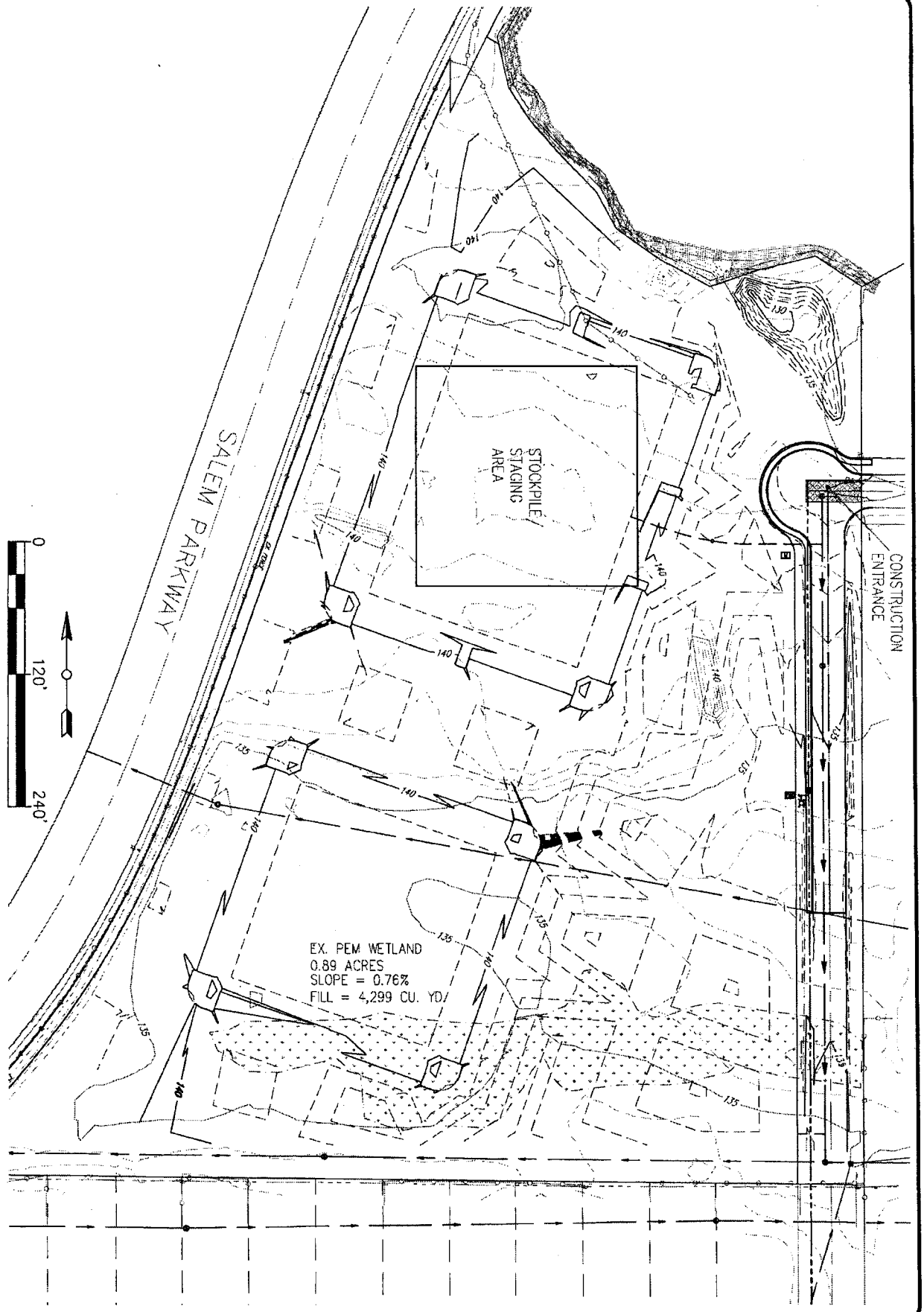
**WETLAND CROSS SECTIONS**



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**WINDIGO  
PROPERTIES**

**GRADING  
PLAN**



**FERNWOOD ENVIRONMENTAL  
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# WINDIGO PROPERTIES

# EROSION CONTROL PLAN

